REMARKS

Claims 1, 2, and 4-7 remain in the application and stand rejected. Claims 3 and 8 have been canceled to streamline prosecution. Reconsideration of the rejection is respectfully requested in light of the following reasons.

Drawing Objections

The drawings are objected to under 37 C.F.R. § 1.83(a). According to the last office action, the drawings must show the limitations disclosed in claim 1. The objection is respectfully traversed.

37 C.F.R. 1.83(a), titled "Content of Drawing," governs the contents of drawings. 37 C.F.R. 1.81, titled "Drawings required in patent application," governs whether a drawing is required in the first place. 37 C.F.R. § 1.81 requires a drawing in cases where necessary for the understanding of the invention. In this case, claim 1 is a method claim reciting straightforward steps supported in pages 27 to 29 of the specification. The invention of claim 1 is straightforward enough not to require a drawing to be understood. Furthermore, MPEP 601.01(f) is explicit that "It has been USPTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention." It is thus respectfully submitted that claim 1, a method claim, does not require a drawing in the first place. Applicants propose to submit a drawing of claim 1 when an allowable claim has been identified in the present application.

Withdrawal of the drawing objection is thus respectfully requested.

Claim Objections

Claim 3 is objected to under 37 C.F.R. § 175(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 3 has been canceled and its features have been incorporated into claim 1.

Claim 4 has been amended to spell out CLSID as requested in the last office action.

Claim Rejections -- 35 U.S.C. § 112

Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

According to the last office action "applicant fails to teach or show where and who determines if the window includes a product offering and where and who will identify the product." The Examiner's attention is directed to page 27, line 16 to page 29, line 5 of the Specification. In a nutshell, window analyzer 308 may determine if a window has a product offering by searching the content of the window for certain text strings (e.g., "download" or a company/product name). Alternatively, Window analyzer 308 may look for the existence of a digital certificate and associated class ID (CLSID) of the window to identify the product being offered therein. Window analyzer 308 comprises computer-readable program code and thus performs these actions in a computer.

Claim 1 has been amended to specifically recite that the steps of the recited method are performed by computer-readable program code running in a computer.

It is thus respectfully submitted that claim 1, and dependent claims 2-6, meets the mandate of 35 U.S.C. § 112.

Claim Rejection -- 35 U.S.C. § 103 – Call and Shiratori

Claims 1, 2, and 4-6 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,154,738 to Call ("Call") in view of U.S. Patent No. 5,758,111 to Shiratori et al. ("Shiratori"). The rejection is respectfully traversed.

As noted in the last office action, Call does not disclose "detecting the occurrence of a first window." This is not surprising considering that Call is primarily directed to using universal product codes (UPC) to link a manufacturer's product information to a

retailer's web page of the product (Call, Abstract, col. 1, lines 60 to col. 2, line 4). Call merely provides a cross-referencing service.

The last office action suggests that it would have been obvious to modify Call to include the window-detecting unit of Shiratori. Applicants disagree with this conclusion for several reasons. Firstly, a window-detecting unit would serve no real purpose or advantage for a cross-referencing system. In Call, the cross-reference is made between a retailer web page and a manufacturer's information about a product offered for sale by the retailer. There is no need to "detect" when the retailer's web page is up as this web page is actually navigated to by users to browse or make a purchase (Call, col. 2, lines 12-14). And since the link to the manufacturer's product information is automatically activated when web browser of the user accesses the web page (Call, col. 2, lines 17-24), there is no need to "detect" occurrences of windows. Therefore, one of ordinary skill in the art will not be motivated to modify Call to include the window-detecting unit of Shiratori. The steps of detecting occurrences of windows and providing information about products offered in the detected window, and their attendant benefits, are only taught in the present disclosure, not in any of the references of record.

Secondly, Call discloses a server side application. In Call, the web pages containing the links to product information are on retailer web sites (i.e. servers) (Call, col. 2, lines 14-17), while the product information is stored in Internet servers (Call, col. 2, lines 8-11). That is, Call does not need a client-side process. In fact, Call cannot detect the occurrence of a first window as recited in claim 1. Shiratori merely discloses a window detecting unit. **Even if Shiratori's window-detecting unit detects the occurrence of a first window, there is no way for Call's system to determine whether or not the first window is offering a product** unless the window is from a web retailer containing a link to Call's cross-referencing system, in which case there is no need to detect the occurrence of the first window in the first place.

Claim 1 is further patentable over Call and Shiratori at least for reciting: "determining if the first window includes an offer to download a computer program" and "identifying the computer program." In the rejection of then claim 3, the last office action suggests that "Call discloses the method wherein the product includes a

downloadable computer program," citing to Call col. 9, lines 49-62. It is respectfully submitted that Call's "products" do not include downloadable computer programs. In Call, the "downloadable software" mentioned in col. 9, lines 49-62 refers to a utility program to complement the product code translator – the downloadable software is NOT the product for which manufacturers provide information by cross-reference with the UPC. Call cannot determine if a window offers to download a computer program, let alone identify the computer program being offered for download. Call cannot identify products without a UPC, such as a downloadable computer program.

The invention of claim 1 is particularly useful in that in can assist the user in determining whether or not to install downloadable computer programs, which are offered to Internet users as they navigate to various websites (Specification, page 28, lines 13-15). Call's cross-referencing system cannot do this as it only works on products with bar codes (UPC), not downloadable computer programs. Furthermore, Call's cross-referencing system cannot provide information on products offered on web pages not specifically linked to the cross-referencing system. The invention of claim 1 advantageously assists the user in deciding whether to download a computer program at the time the computer program is being offered to the user.

Claim 1 is further patentable over Call and Shiratori at least for reciting: "displaying a second window, the second window including third party information about the computer program" (e.g. see Specification, FIGS. 9A-9B, page 28, line 20 to page 29, line 5). In Call, the manufacturer that produces the product, not a third party, **controls the content of the stored product information** (Call, col. 2, lines 8-11). This is particularly suspect from the user's point of view as a manufacturer does not have any incentive to provide negative information about its own product. Neither Call nor Shiratori discloses or suggest providing third party information about a product being offered for download.

For at least the above reasons, claim 1 is patentable over Call and Shiratori. Claims 2 and 4-6 depend on claim 1 and are thus patentable over Call and Shiratori at least for the same reasons that claim 1 is patentable.

- Claim 4 is patentable over Call and Shiratori at least for reciting that the computer program being offered for download is identified by looking up the CLSID of the computer program. It is respectfully submitted that UPC and CLSID are too very different identifiers, with the UPC being part of a bar code of over-the-counter, not downloadable, products. The products referred to in Call do not have a CLSID.

- Claim 6 recites that the product list is updateable by downloading a new product list from a remote computer to the computer (i.e. the recited computer where detection of the occurrence of the first window occurs – the client). In Call, the product list **must be maintained in an Internet server**, NOT in the client computer of the user. Otherwise, other web pages linking to the cross-reference system will not be able to access the product list. In claim 6, the product list is in the client computer itself to allow for relatively quick identification of computer programs being offered for download. Therefore, Call and Shiratori cannot meet the limitations of claim 6.

Claim Rejection -- 35 U.S.C. § 103 – Call, Shiratori, and Balasubramaniam

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being obvious over Call in view of Shiratori and further in view of U.S. Patent No. 6,477,550 to Balasubramaniam et al. ("Balasubramaniam"). The rejection is respectfully traversed.

As discussed above, Call does not have a need to detect the opening of a new window. Furthermore, Call's UPC cross-referencing server does not work with programs that need to operate on the client side to detect the opening of a window on the client.

Call's "product list" also does not include third party information about computer programs being offered for download. Call does not even provide any information about any computer program being offered for download.

Neither Shiratori nor Balasubramaniam fixes the above mentioned deficiencies of Call with regard to claim 7.

Call, Shiratori, and Balasubramaniam also does not disclose or suggest a window analyzer that detects **whether a new window is offering a computer program** listed in the product list. Balasubramaniam can only detect the **type** of browser used (Balasubramaniam, col. 6, lines 4-9), not whether a new window is offering a computer program for download. Furthermore, Balasubramaniam's server-side process for detecting the **type** of browser used by the client does not have capability to determine the **content** of a browser window, such as whether the browser window offers a computer program for download.

Therefore, claim 7 is patentable over Call, Shiratori, and Balasubramaniam.

Conclusion

For at least the above reasons, it is believed that claims 1, 2, and 4-7 are in condition for allowance. The Examiner is invited to telephone the undersigned at (408)436-2112 for any questions.

If for any reason an insufficient fee has been paid, the Commissioner is hereby authorized to charge the insufficiency to Deposit Account No. 50-2427.

Respectfully submitted,
Jax B. Cowden et al.

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